IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

MACA.No. 1723 of 2007

OPMV.3641/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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APPELLANT 3RD RESPONDENT

UNITED INDIA INSURANCE COMPANY LIMITED,
KUNNAMKULAM NOW REPRESENTED BY ITS
ASSISTANT MANAGER, REGIONAL OFFICE,"SHARANYA"
HOSPITAL ROAD, KOCHI-11.

BY ADV. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

RESPONDENTS: PETITIONERS AND 4TH RESPONDENT
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1. KUNJUMUHAMMED,S/O. MUHAMMED,
PARUDINGIL HOUSE,KANJIRATHINGAL DESOM,
KATTAKAMPAL P.O. THRISSUR DISTRICT.

2. SHAMILA (MINOR)
REPRESENTED BY HER FATHER IST RESPONDENT DO..DO.

3. FATHIMA,W/O. ABDUL RAHIMAN,
PALISSERY HOUSE,KOCHANNUR,KARICHALIKADAVU,
VADAKKEKADU, THRISSUR.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.A.C.A. Nos 1723 and 1743 of 2007

Dated: 26th September 2007

JUDGMENT

Radhakrishnan, J.

Both the appeals are preferred by the Insurance Company aggrieved by the amount of compensation awarded by the Tribunal In O.P. (M.V) Nos 3641 and 3640 of 2000 respectively.

2. Claimants are the legal heirs of the deceased. Accident occurred on 31.12.1999 while the mother was walking with her daughter aged one and a half years along the Chemmannur Kochannur public road from north to south, bus KRF 8701 driven by the second respondent came in a rash and negligent manner and hit the mother and child and they were thrown out on the road sustaining serious injuries. Later they succumbed to the injuries.

3. O.P. (M.V.) No 3640 of 2000 was preferred by the husband and minor daughter claiming compensation of Rs 5 lakhs. Tribunal has awarded a sum of Rs 2,48,000/-. In O.P.(M.V) No 3641 of 2000 an amount of Rs 3 lakhs was claimed as compensation and the Tribunal awarded a sum of Rs 1,71,500/-. Counsel for the Insurance Company

submitted that the Tribunal has committed an error in applying the multiplier. Multiplier applied in the case of mother was 18, it should have been 17 according to the counsel. If so calculated, difference would come to only Rs 12,000/-. Considering the facts and circumstances of the case we are not prepared to say that the amount awarded is on the higher side even if the Tribunal has committed an error in applying the multiplier. We therefore find no reason to entertain the appeals. Appeals are accordingly dismissed.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

26/09/2007
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